



State of Utah

Department of
Environmental Quality

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DAQ-040-2005

MEMORANDUM

TO: Air Quality Board

THROUGH: Richard Sprott, Executive Secretary

THROUGH: Cheryl Heying, Planning Branch Manager

THROUGH: Dave McNeill, SIP Section Manager

FROM: Mat Carlile, Environmental Scientist

DATE: June 23, 2005

SUBJECT: Propose for final adoption: Amend R307-101-2, R307-165, R307-201, R307-204, R307-205, R307-206, R307-302, R307-305, R307-309, and R307-310; New Rules R307-207 and R307-306

On March 9, 2005, the Air Quality Board proposed for comment amendments to R307-101-2, R307-165, R307-201, R307-204, R307-205, R307-206, R307-302, R307-305, R307-309, and R307-310; and the Board proposed new rules R307-207 and R307-306. These rules were proposed for comment for the following reasons:

- Because many of the requirements in the current rules apply only to PM₁₀ nonattainment areas, amendments were needed to ensure that the requirements continued to apply in PM₁₀ maintenance areas.
- The rules were clarified by removing outdated requirements and by making the requirements easier to find and understand.
- Amendments were also proposed to separate the rules into two categories, State-only rules and rules that will apply only in nonattainment and maintenance areas.

Several comments were received on these proposals. A summary of the comments and responses from UDAQ is attached after the tab for the PM₁₀ maintenance plan (see comments #108 through #142). UDAQ staff proposes some amendments in response to these comments. Attachment I of this memo contains the new recommended text for these rules. Attachment II of this memo has the “Notice of Proposed Rule” for the rules for which no new recommended text is being proposed. These notices include the language that the Board proposed for comment along with a rule analysis form.

The Board proposed to amend several definitions of R307-101-2. Because of the length of R307-101-2, we are providing the following to help track what is happening to the proposed amendments to R307-101-2, Definitions:

- The Board proposed to delete the definition of **Actual area of nonattainment**. UDAQ received no comments on this proposed amendment and no additional amendments are needed.
- The Board proposed to add the definition of **EPA Method 9**. UDAQ received a comment about this amendment for which UDAQ staff is recommending additional amendments to the rule text; see comment # 129. Please see Attachment I, R307-101-2, p. 1 for the recommended revisions to the text.
- The Board proposed to add a list of current maintenance areas to the definition of **Maintenance area**. No comments were received about this amendment; however, UDAQ staff is recommending some additional amendments to clarify this definition. Please see Attachment I, R307-101-2, p. 1 and 2 for the recommended amendment to the text.
- The Board proposed to change the definition of a **Nonattainment area** to refer to EPA’s designation process. UDAQ received no comments on this proposed amendment and no additional amendments are needed. Please see Attachment I R307-101-2 p. 3 for the proposed text.
- The Board proposed to delete the definition of **PM₁₀ nonattainment area** because the backsliding provisions will now be addressed with the new term, *maintenance area*. UDAQ received no comments on this proposed amendment and no additional amendments are needed.
- The Board proposed to change the definition of **PM₁₀ Particulate Matter** to **PM₁₀**. UDAQ received no comments on this proposed amendment and no additional amendments are needed. Please see Attachment I, R307-101-2, p. 4 for the proposed text.
- The Board proposed to change the definition of **PM₁₀ Precursor** to remove specific reference to sulfur dioxide and nitrogen oxides to avoid implication that there were no other PM₁₀ precursors to consider. UDAQ received no comments on this proposed amendment and no additional amendments are needed. Please see Attachment I, R307-101-2, p. 4 for the proposed text.

- The Board proposed moving the definition of **Road** from several other rules to R307-101-2, rather than repeating the definition in other rules. UDAQ received no comments on this proposed amendment and no additional amendments are needed. Please see Attachment I, R307-101-2, p. 4, for the proposed text.

Recommendation

UDAQ staff recommends that the Board adopt R307-204-3, R307-205, R307-206, and R307-310 as proposed at the March Board meeting.

In addition, staff recommends that the Board adopt R307-101-2, R307-165, R307-201, R307-207, R307-302, R307-305, R307-306, and R307-309 with the amendments to proposed rules.